

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN GARY BURKE,

Defendant.

3:10-CR-040-LRH (VPC)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on July 7, 2010, defendant BRIAN GARY BURKE pled guilty to a Two-Count Indictment charging him in Count One with Possession of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and in Count Two with Forfeiture Upon Conviction, in violation of Title 18, United States Code, Section 2253.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in Count Two of the Indictment and the offense to which defendant BRIAN GARY BURKE pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 2253:

- a) any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received; computer images, including movie and still image files, depicting

...

1 a minor engaging in sexually explicit conduct and the diskettes and hard drives
2 on which they are maintained; and

3 b) a Dell Inspiron laptop computer, serial number 8m6ch91.

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
7 United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
9 BRIAN GARY BURKE in the aforementioned property is forfeited and is vested in the United States
10 of America and shall be safely held by the United States of America until further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
12 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
13 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
14 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
15 the name and contact information for the government attorney to be served with the petition, pursuant
16 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
18 with the Clerk of the Court, 400 South Virginia Street, Reno, Nevada 89501.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
20 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
21 following address at the time of filing:

22 GREG ADDINGTON
23 Assistant United States Attorney
24 100 West Liberty Street, Suite 600
25 Reno, Nevada 89501.

26 ...

...

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 assets.

5 DATED this 19th day of July, 2010.



8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE